

IDS Received on 3/29/05

The IDS received on 3/29/05 has been reconsidered and amended to include missing dates in several non-patent documents. These dates were either obtained from the document itself or public record.

Rejoined Claims

Claim 19 is directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 24-27, 32-35, 97-111, and 116 are directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement. These claims are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 11/13/03 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marc S. Weiner on 4/07/11.

The amendments to the claims are as follows:

- Replace claim 24 with "A method of treatment of inflammation, pain or itching which comprises orally or mucosally administering to a mammal the composition of claim 19, wherein the inflammation, pain or itching does not include Attention Deficit Hyperactivity Disorder (ADHD)."
- In claim 27, lines 6 and 7 delete "Attention Deficit Hyperactivity Disorder (ADHD),".
- Replace claim 32 with "A method for treating inflammation, pain or allergy-related diseases and conditions which comprises orally or mucosally administering to a mammal a therapeutically effective amount of the composition of claim 19, wherein the inflammation, pain or allergy-related diseases and conditions does not include Attention Deficit Hyperactivity Disorder (ADHD)."

- Replace claim 33 with “A method for treating inflammation, pain or allergy-related diseases and conditions which comprises orally administering to a mammal a therapeutically effective amount of the composition of claim 19, wherein the inflammation, pain or allergy-related diseases and conditions does not include Attention Deficit Hyperactivity Disorder (ADHD).”
- Replace claim 34 with “A method for treating inflammation, pain or allergy-related diseases and conditions which comprises mucosally administering to a mammal a therapeutically effective amount of the composition of claim 19, wherein the inflammation, pain or allergy-related diseases and conditions does not include Attention Deficit Hyperactivity Disorder (ADHD).”
- In claim 35, lines 7 and 8 delete “Attention Deficit Hyperactivity Disorder (ADHD),”.
- Replace claim 52 with “A method for treating inflammation, pain or allergy-related diseases and conditions which comprises mucosally applying to a mammal a therapeutically effective amount of the composition of claim 19, wherein the inflammation, pain or allergy-related diseases and conditions does not include Attention Deficit Hyperactivity Disorder (ADHD).”

REASONS FOR ALLOWANCE

Art Unit: 1657

The following is an examiner's statement of reasons for allowance: These amendments are necessary to avoid an obvious double patenting rejection over US Patent 7879824.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

/Michael G. Wityshyn/
Supervisory Patent Examiner, Art Unit 1651